

### **REMARKS**

Claims 1, 12, 27, 32, 34 and 35 are amended herein. Support for the amendment to Claims 1, 12, 27 and 32 is found in original Claim 8, and throughout the specification, for example, at page 9, lines 4-6. Support for the amendment to Claim 34 is found in the specification, for example, at page 8, lines 10-13. Support for the amendment to Claim 35 is found in the specification, for example, at page 8, line 25, through page 9, line 3. Accordingly, the amendments to the claims do not add new matter.

Claim 8 is canceled herein without prejudice to, or disclaimer of, the subject matter contained therein. Applicants maintain that the cancellation of a claim makes no admission as to its patentability and reserve the right to pursue the subject matter of the canceled claim in this or any other patent application.

Upon entry of the new claims, Claims 1, 3-5, 10, 12, 27-30 and 32-35 are pending.

#### **Rejection of Claims 34 and 35 under 35 U.S.C. §112, second paragraph**

Claims 34 and 35 are rejected under 35 U.S.C. §112, second paragraph as being indefinite for failing to specify units.

Claims 34 and 35 are amended herein to specify units as being in weight percent. In view of the amendment to the claims, Applicants respectfully request removal of this ground of rejection.

#### **Rejection of Claims 1, 3-5, 8, 10, 12, 27-30 and 32-35 under 35 U.S.C. § 103**

Claims 1, 3-5, 8, 10, 12, 27-30 and 32-35 are rejected under 35 U.S.C. §103 as being obvious over Kuriu (WO 00/56548) in view of Yamamoto (JP 11-199741) and Toyozumi (JP 2002-338770) and further in view of Matsui (JP 2002-248721).

Applicants respectfully submit that the claims are non-obvious over the cited references because the presently claimed invention provides results that are unexpected over any combination of the teachings of the references.

Claims 1, 12, 27 and 32 recite, *inter alia*, that the at least one polyamide layer comprises a phenol-based antioxidant. The Office Action states that Matsui teaches a layered film containing a polyamide layer suitable for packing material subject to retort treatment, and further it discloses

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the addition of a phenolic antioxidant to the polyamide. The Office Action concludes that, it would have been obvious for one of ordinary skill in the art to add the phenolic antioxidant to the laminated polyamide layer obtained from Kuriu, Yamamoto and Toyozumi. However, even if the phenolic antioxidant is added to the laminated polyamide layer obtained from Kuriu, Yamamoto and Toyozumi, the person of ordinary skill in the art would not have expected the superior properties of the presently claimed invention.

In contrast, Applicants have found that the presently claimed invention has a remarkable effect of transparency retention after the retort treatment. In particular, Applicants have found that the use of a phenol-based antioxidant achieves this remarkable result, where such effect was substantially lower for other types of antioxidants. As evidence exemplifying Applicants' observations of the superior effects of phenol-based antioxidants, Applicants submitted in the Supplemental Response dated November 19, 2010 a Declaration by Hiroyuki Yoshizaki ("the November 2010 Yoshizaki Declaration") which demonstrated that use of a phenol-based antioxidant showed a superior ability to retain transparency after the retort treatment relative to use of other antioxidant compounds.

In response to the November 2010 Yoshizaki Declaration, the Office Action states that "Applicant's data is unpersuasive" for essentially four different reasons. Applicants submit herewith as Exhibit A an additional Declaration by Hiroyuki Yoshizaki ("the present Yoshizaki Declaration") and address the Office Action's four stated reasons for maintaining the rejection, in view of the present Yoshizaki Declaration.

### **1. Statistical Significance of Data**

The Office Action states that it is unclear whether the differences in haze values the November 2010 Yoshizaki Declaration are statistically significant in view of the haze values reported in Examples 1 and 2 of the specification.

As shown in the present Yoshizaki Declaration, the haze measurement was conducted a plurality of times (six times), and the results indicate that the measurement error was about 0.2. Accordingly, the haze differences observed in the comparison data in the November 2010 Yoshizaki Declaration submitted and those in the present Yoshizaki Declaration are not due to measurement variation, and clearly demonstrate a significant difference in haze value suppression based on the type of antioxidant used.

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The Office Action states that the difference in haze between Examples 1 and 2 are due to the measurement variation. However, this difference is not necessarily attributable to measurement variation. First, the haze value is calculated from the formula below. The haze value represents the percentage of light diffusely scattered compared to the total light transmitted.

$$\text{Haze} = \text{Amount of light scattered} / \text{Total light transmittance} \times 100 (\%)$$

More specifically, haze value is inevitably affected by the thickness of the film and the ratio of the layer thickness.

When a composite EVOH resin containing the EVOH used in Examples 1 and 2 of the instant specification is exposed to a high temperature due to retort or the like, it temporarily reaches a nearly melted state, and its crystals are destroyed. Thereafter, the recrystallization proceeds by cooling. During the recrystallization, fine crystals are formed to improve the transparency. In Example 1, the proportion of the EVOH layer was 27%, and that in Example 2 was 40 %, *i.e.*, Example 2 had a higher proportion in terms of the EVOH; therefore, the transparency after the retort was increased in Example 2 (*i.e.*, the haze value was lowered). In conclusion, the difference is not a measurement error, as shown by the evidence submitted herewith and the statements above.

## **2. Scope of data from Declaration compared to claims – type of film**

The Office Action states that the data in the November 2010 Yoshizaki Declaration are commensurate with the scope of the claims because the data in the November 2010 Yoshizaki Declaration are directed to a different film than that which is claimed.

In response to this assertion, the Applicant has conducted an experiment using a film formed of the composition defined the claims of the present. The results reveal that the conducted using the composition defined in the claims of the application achieves unexpectedly excellent effects. Accordingly, the claimed film also possesses unexpectedly superior properties over the cited references.

**3. Scope of data from Declaration compared to claims - antioxidant**

The Office Action states that the November 2010 Yoshizaki Declaration must provide additional data regarding other antioxidants in order to be commensurate in scope with the genus of phenol-based antioxidants encompassed by the claims.

In the present amendment, the claims are directed to three specific phenol-based antioxidants. A person having ordinary skill in the art would reasonably understand the unexpectedly superior effects demonstrated in the Examples of the instant specification and the submitted Declarations would apply to the three specific phenol-based antioxidants recited in the claims. Accordingly, the evidence of record is commensurate in scope with the claims.

**4. The evidence does not overcome the teachings of Stein**

The Office Action states that the data would not have been unexpected over the teachings of Stein. Applicants address this issue below in addressing the rejections over various references in view of Stein.

**Conclusion**

Other than the reliance on Stein, the Office Action does not appear to assert that the evidence presented is not unexpectedly superior over the teachings of the cite references. Applicants similarly affirm that other than Stein (addressed below), Applicants' evidence of superior haze reduction properties is unexpected over the combined teachings of the cited references. Furthermore, in view of the teachings of the specification, the two Yoshizaki Declarations, and the presently claimed subject matter, Applicants submit that the evidence of unexpectedly superior properties is commensurate in scope with the claims. Accordingly, Applicants submit that the evidence of record supports the non-obviousness of the claims because the claimed polyamide-based multilayer film possesses superior properties that are unexpected over any combination of Kuriu, Yamamoto, Toyozumi and Matsui. In view of the above, Applicants respectfully request reconsideration and removal of this ground for rejection of the claims.

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**Rejection of Claim 3 under 35 U.S.C. §103**

Claim 3 is rejected under 35 U.S.C. §103 as being obvious over Kuriu (WO 00/56548) in view of Yamamoto (JP 11-199741), Toyozumi (JP 2002-338770), Matsui (JP 2002-248721) and Tokoh (U.S. Pat. No. 5,428,094).

Claim 3 is non-obvious for at least the reasons provided above. In particular, Claim 3 depends from Claim 1, and Kuriu, Yamamoto, Toyozumi and Matsui cannot be combined to render Claim 1 obvious. Tokoh does not teach the improved haze reduction properties resultant from the incorporation of a phenolic antioxidant into a polyamide-based multilayer film. As such Tokoh does not teach that which is lacking in the combination of Kuriu, Yamamoto, Toyozumi and Matsui. Accordingly, no combination of the cited references can render Claim 3 obvious. In view of the above, Applicants respectfully request reconsideration and removal of the above obviousness rejection of Claim 3.

**Rejection of Claim 32 under 35 U.S.C. §103**

Claim 32 is rejected under 35 U.S.C. §103 as being obvious over Kuriu (WO 00/56548) in view of Yamamoto (JP 11-199741), Toyozumi (JP 2002-338770), Matsui (JP 2002-248721) and Tanaka (JP 2002-172742).

Claim 32 is non-obvious for at least the reasons provided above. In particular, Kuriu, Yamamoto, Toyozumi and Matsui cannot be combined to render Claim 32 obvious. Tanaka does not teach the improved haze reduction properties resultant from the incorporation of a phenolic antioxidant into a polyamide-based multilayer film. As such Tanaka does not teach that which is lacking in the combination of Kuriu, Yamamoto, Toyozumi and Matsui. Accordingly, no combination of the cited references can render Claim 32 obvious. In view of the above, Applicants respectfully request reconsideration and removal of the above obviousness rejection of Claim 32.

**Rejection of Claim 27 under 35 U.S.C. §103**

Claim 27 is rejected under 35 U.S.C. §103 as being obvious over Kuriu (WO 00/56548) in view of Yamamoto (JP 11-199741), Toyozumi (JP 2002-338770), Matsui (JP 2002-248721) and Shibuya (JP 06-345919).

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Claim 27 is non-obvious for at least the reasons provided above. In particular, Kuriu, Yamamoto, Toyozumi and Matsui cannot be combined to render Claim 27 obvious. Shibuya does not teach the improved haze reduction properties resultant from the incorporation of a phenolic antioxidant into a polyamide-based multilayer film. As such Shibuya does not teach that which is lacking in the combination of Kuriu, Yamamoto, Toyozumi and Matsui. Accordingly, no combination of the cited references can render Claim 27 obvious. In view of the above, Applicants respectfully request reconsideration and removal of the above obviousness rejection of Claim 27.

**Rejection of Claims 1, 3-5, 8, 10, 12, 27-30 and 32-35 under 35 U.S.C. §103 and Rejection of Claims 7 and 8 under 35 U.S.C. §103**

Claims 1, 3-5, 8, 10, 12, 27-30 and 32-35 are rejected under 35 U.S.C. §103 as being obvious over Kuriu (WO 00/56548) in view of Yamamoto (JP 11-199741) and Sugiura (JP 10151714), and further in view of Matsui (JP 2002-248721).

Claims 1, 3-5, 8, 10, 12, 27-30 and 32-35 are non-obvious for at least the reasons provided above. In particular, Kuriu, Yamamoto and Matsui cannot be combined to render Claims 1, 12, 27 or 32 obvious. Sugiura does not teach the improved haze reduction properties resultant from the incorporation of a phenolic antioxidant into a polyamide-based multilayer film. As such Sugiura does not teach that which is lacking in the combination of Kuriu, Yamamoto and Matsui. Accordingly, no combination of the cited references can render obvious Claims 1, 12, 27, or 32, or claims dependent therefrom. In view of the above, Applicants respectfully request reconsideration and removal of the above obviousness rejection of Claims 1, 3-5, 7, 8, 10, 12, 27-30 and 32-35.

**Rejection of Claim 3 under 35 U.S.C. §103**

Claim 3 is rejected under 35 U.S.C. §103 as being obvious over Kuriu (WO 00/56548) in view of Yamamoto (JP 11-199741), Sugiura (JP 10151714), Matsui (JP 2002-248721) and Tokoh (U.S. Pat. No. 5,428,094).

Claim 3 is non-obvious for at least the reasons provided above. In particular, Claim 3 depends from Claim 1, and Kuriu, Yamamoto, Sugiura and Matsui cannot be combined to render

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Claim 1 obvious. Tokoh does not teach the improved haze reduction properties resultant from the incorporation of a phenolic antioxidant into a polyamide-based multilayer film. As such Tokoh does not teach that which is lacking in the combination of Kuriu, Yamamoto, Sugiura and Matsui. Accordingly, no combination of the cited references can render Claim 3 obvious. In view of the above, Applicants respectfully request reconsideration and removal of the above obviousness rejection of Claim 3.

**Rejection of Claim 32 under 35 U.S.C. §103**

Claim 32 is rejected under 35 U.S.C. §103 as being obvious over Kuriu (WO 00/56548) in view of Yamamoto (JP 11-199741), Sugiura (JP 10151714), Matsui (JP 2002-248721) and Tanaka (JP 2002-172742).

Claim 32 is non-obvious for at least the reasons provided above. In particular, Kuriu, Yamamoto, Sugiura and Matsui cannot be combined to render Claim 32 obvious. Tanaka does not teach the improved haze reduction properties resultant from the incorporation of a phenolic antioxidant into a polyamide-based multilayer film. As such Tanaka does not teach that which is lacking in the combination of Kuriu, Yamamoto, Sugiura and Matsui. Accordingly, no combination of the cited references can render Claim 32 obvious. In view of the above, Applicants respectfully request reconsideration and removal of the above obviousness rejection of Claim 32.

**Rejection of Claim 27 under 35 U.S.C. §103**

Claim 27 is rejected under 35 U.S.C. §103 as being obvious over Kuriu (WO 00/56548) in view of Yamamoto (JP 11-199741), Sugiura (JP 10151714), Matsui (JP 2002-248721) and Shibuya (JP 06-345919).

Claim 27 is non-obvious for at least the reasons provided above. In particular, Kuriu, Yamamoto, Sugiura and Matsui cannot be combined to render Claim 27 obvious. Shibuya does not teach the improved haze reduction properties resultant from the incorporation of a phenolic antioxidant into a polyamide-based multilayer film. As such Shibuya does not teach that which is lacking in the combination of Kuriu, Yamamoto, Sugiura and Matsui. Accordingly, no combination of the cited references can render Claim 27 obvious. In view of the above,

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Applicants respectfully request reconsideration and removal of the above obviousness rejection of Claim 27.

**Rejection of Claims 1, 3-5, 8, 10, 12, 27-30 and 32-35 under 35 U.S.C. § 103**

Claims 1, 3-5, 8, 10, 12, 27-30 and 32-35 are rejected under 35 U.S.C. §103 as being obvious over Kuriu (WO 00/56548) in view of Yamamoto (JP 11-199741) and Toyozumi (JP 2002-338770) and further in view of Stein (US 2002/0040081).

Applicants respectfully submit that the claims are non-obvious over the cited references because Stein teaches away from the presently claimed invention, and the references do not teach all elements of the claims. Furthermore, as discussed above, the claimed polyamide-based multilayer film possesses superior properties that are unexpected over the teachings of the references.

Stein is directed to blends of phosphites and antioxidants. Stein's teaches improved properties when using such blends. *Stein* at Abstract. Stein's invention requires these phosphorus-based antioxidants in order to achieve the improved properties. *Id.* and *Stein* at paragraph [0006]. Thus, Stein teaches that phosphorus-based antioxidants are essential. The present claims recite that the claimed film does not contain a phosphorus-based antioxidant. Unlike the present invention, Stein uses a phosphorus-based antioxidant as an essential ingredient. Accordingly, Stein teaches away from the invention, which does not contain a phosphorus-based antioxidant; therefore, the invention is unobvious over Stein. Therefore, Stein serves as evidence of the non-obviousness of the claims. The remaining references do not cure that which is missing in Stein because the remaining references do not teach the desirability of incorporating a phenol-based antioxidant. Accordingly, the combined references cannot render the claims *prima facie* obvious.

Moreover, Applicants have found that the claimed polyamide-based multilayer film possesses superior properties that are unexpected over the teachings of the references. These unexpectedly superior properties have been discussed previously and above, which discussion is incorporated by reference to the present rejection. Such superior properties are even more unexpected in view of the teachings of Stein which requires phosphorus-based antioxidants in order to attain improved properties. Accordingly, Stein, Applicants' specification, the two



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Yoshizaki Declarations, and the presently claimed subject matter, all support the non-obviousness of the present claims. In view of the above, Applicants respectfully request reconsideration and removal of this ground for rejection of the claims.

**Rejection of Claim 3 under 35 U.S.C. §103**

Claim 3 is rejected under 35 U.S.C. §103 as being obvious over Kuriu (WO 00/56548) in view of Yamamoto (JP 11-199741), Toyozumi (JP 2002-338770), Stein (US 2002/0040081) and Tokoh (U.S. Pat. No. 5,428,094).

Claim 3 is non-obvious for at least the reasons provided above. In particular, Claim 3 depends from Claim 1, and Kuriu, Yamamoto, Toyozumi and Stein cannot be combined to render Claim 1 obvious. As discussed above, Stein teaches away from the present claims, and the presently claimed film is unexpectedly superior to those taught by the references. Tokoh does not teach the improved haze reduction properties resultant from the incorporation of a phenolic antioxidant into a polyamide-based multilayer film. As such Tokoh does not teach that which is lacking in the combination of Kuriu, Yamamoto, Toyozumi and Stein. Accordingly, no combination of the cited references can render Claim 3 obvious. In view of the above, Applicants respectfully request reconsideration and removal of the above obviousness rejection of Claim 3.

**Rejection of Claim 32 under 35 U.S.C. §103**

Claim 32 is rejected under 35 U.S.C. §103 as being obvious over Kuriu (WO 00/56548) in view of Yamamoto (JP 11-199741), Toyozumi (JP 2002-338770), Stein (US 2002/0040081) and Tanaka (JP 2002-172742).

Claim 32 is non-obvious for at least the reasons provided above. In particular, Kuriu, Yamamoto, Toyozumi and Stein cannot be combined to render Claim 32 obvious. As discussed above, Stein teaches away from the present claims, and the presently claimed film is unexpectedly superior to those taught by the references. Tanaka does not teach the improved haze reduction properties resultant from the incorporation of a phenolic antioxidant into a polyamide-based multilayer film. As such Tanaka does not teach that which is lacking in the combination of Kuriu, Yamamoto, Toyozumi and Stein. Accordingly, no combination of the cited references can render

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Claim 32 obvious. In view of the above, Applicants respectfully request reconsideration and removal of the above obviousness rejection of Claim 32.

**Rejection of Claim 27 under 35 U.S.C. §103**

Claim 27 is rejected under 35 U.S.C. §103 as being obvious over Kuriu (WO 00/56548) in view of Yamamoto (JP 11-199741), Toyozumi (JP 2002-338770), Stein (US 2002/0040081) and Shibuya (JP 06-345919).

Claim 27 is non-obvious for at least the reasons provided above. In particular, Kuriu, Yamamoto, Toyozumi and Stein cannot be combined to render Claim 27 obvious. As discussed above, Stein teaches away from the present claims, and the presently claimed film is unexpectedly superior to those taught by the references. Shibuya does not teach the improved haze reduction properties resultant from the incorporation of a phenolic antioxidant into a polyamide-based multilayer film. As such Shibuya does not teach that which is lacking in the combination of Kuriu, Yamamoto, Toyozumi and Stein. Accordingly, no combination of the cited references can render Claim 27 obvious. In view of the above, Applicants respectfully request reconsideration and removal of the above obviousness rejection of Claim 27.

**Rejection of Claims 1, 3-5, 8, 10, 12, 27-30 and 32-35 under 35 U.S.C. §103 and Rejection of Claims 7 and 8 under 35 U.S.C. §103**

Claims 1, 3-5, 8, 10, 12, 27-30 and 32-35 are rejected under 35 U.S.C. §103 as being obvious over Kuriu (WO 00/56548) in view of Yamamoto (JP 11-199741) and Sugiura (JP 10151714), and further in view of Stein (US 2002/0040081).

Claims 1, 3-5, 8, 10, 12, 27-30 and 32-35 are non-obvious for at least the reasons provided above. In particular, Kuriu, Yamamoto and Stein cannot be combined to render Claims 1, 12, 27 or 32 obvious. As discussed above, Stein teaches away from the present claims, and the presently claimed film is unexpectedly superior to those taught by the references. Sugiura does not teach the improved haze reduction properties resultant from the incorporation of a phenolic antioxidant into a polyamide-based multilayer film. As such Sugiura does not teach that which is lacking in the combination of Kuriu, Yamamoto and Stein. Accordingly, no combination of the cited references can render obvious Claims 1, 12, 27, or 32, or claims dependent therefrom. In

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view of the above, Applicants respectfully request reconsideration and removal of the above obviousness rejection of Claims 1, 3-5, 7, 8, 10, 12, 27-30 and 32-35.

**Rejection of Claim 3 under 35 U.S.C. §103**

Claim 3 is rejected under 35 U.S.C. §103 as being obvious over Kuriu (WO 00/56548) in view of Yamamoto (JP 11-199741), Sugiura (JP 10151714), Stein (US 2002/0040081) and Tokoh (U.S. Pat. No. 5,428,094).

Claim 3 is non-obvious for at least the reasons provided above. In particular, Claim 3 depends from Claim 1, and Kuriu, Yamamoto, Sugiura and Stein cannot be combined to render Claim 1 obvious. As discussed above, Stein teaches away from the present claims, and the presently claimed film is unexpectedly superior to those taught by the references. Tokoh does not teach the improved haze reduction properties resultant from the incorporation of a phenolic antioxidant into a polyamide-based multilayer film. As such Tokoh does not teach that which is lacking in the combination of Kuriu, Yamamoto, Sugiura and Stein. Accordingly, no combination of the cited references can render Claim 3 obvious. In view of the above, Applicants respectfully request reconsideration and removal of the above obviousness rejection of Claim 3.

**Rejection of Claim 32 under 35 U.S.C. §103**

Claim 32 is rejected under 35 U.S.C. §103 as being obvious over Kuriu (WO 00/56548) in view of Yamamoto (JP 11-199741), Sugiura (JP 10151714), Stein (US 2002/0040081) and Tanaka (JP 2002-172742).

Claim 32 is non-obvious for at least the reasons provided above. In particular, Kuriu, Yamamoto, Sugiura and Stein cannot be combined to render Claim 32 obvious. As discussed above, Stein teaches away from the present claims, and the presently claimed film is unexpectedly superior to those taught by the references. Tanaka does not teach the improved haze reduction properties resultant from the incorporation of a phenolic antioxidant into a polyamide-based multilayer film. As such Tanaka does not teach that which is lacking in the combination of Kuriu, Yamamoto, Sugiura and Stein. Accordingly, no combination of the cited references can render Claim 32 obvious. In view of the above, Applicants respectfully request reconsideration and removal of the above obviousness rejection of Claim 32.

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**Rejection of Claim 27 under 35 U.S.C. §103**

Claim 27 is presumably rejected under 35 U.S.C. §103 as being obvious over Kuriu (WO 00/56548) in view of Yamamoto (JP 11-199741), Sugiura (JP 10151714), Stein (US 2002/0040081) and Shibuya (JP 06-345919). The Office Action indicates a rejection over the above references except Toyozumi is repeated from a previous rejection; Applicants presume Sugiura was intended to be cited.

Claim 27 is non-obvious for at least the reasons provided above. In particular, Kuriu, Yamamoto, Sugiura and Stein cannot be combined to render Claim 27 obvious. As discussed above, Stein teaches away from the present claims, and the presently claimed film is unexpectedly superior to those taught by the references. Shibuya does not teach the improved haze reduction properties resultant from the incorporation of a phenolic antioxidant into a polyamide-based multilayer film. As such Shibuya does not teach that which is lacking in the combination of Kuriu, Yamamoto, Sugiura and Stein. Accordingly, no combination of the cited references can render Claim 27 obvious. In view of the above, Applicants respectfully request reconsideration and removal of the above obviousness rejection of Claim 27.

**No Disclaimers or Disavowals**

Although the present communication may include alterations to the application or claims, or characterizations of claim scope or referenced art, Applicant is not conceding in this application that previously pending claims are not patentable over the cited references. Rather, any alterations or characterizations are being made to facilitate expeditious prosecution of this application. Applicant reserves the right to pursue at a later date any previously pending or other broader or narrower claims that capture any subject matter supported by the present disclosure, including subject matter found to be specifically disclaimed herein or by any prior prosecution. Accordingly, reviewers of this or any parent, child or related prosecution history shall not reasonably infer that Applicant has made any disclaimers or disavowals of any subject matter supported by the present application.

**CONCLUSION**

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In view of the above, Applicants respectfully maintain that claims are patentable and request that they be passed to issue. Applicants invite the Examiner to call the undersigned if any remaining issues might be resolved by telephone.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: October 13, 2011

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# **Exhibit A**

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Osamu NIWA et al.  
App. No : 10/560,951  
Filed : October 6, 2006  
For : POLYAMIDE-BASED MULTILAYER  
FILM  
Examiner : KAHN, Rachel  
Art Unit : 1766

DECLARATION OF HIROYUKI YOSHIZAKI UNDER 37 C.F.R. 1.132

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

I, Hiroyuki Yoshizaki, hereby declare and state:

1. THAT I am a citizen of Japan;
2. THAT I graduated from Shizuoka University with a Bachelor's Degree in the Department of Engineering in 1998;
3. THAT I have been employed by Gunze Limited, the Assignee of the present application (U.S. Serial No. 10/560,951), since September 10, 2004, where I am a member of the technical development staff of a section, with responsibility for the development of polyamide based film;
4. THAT the following experiments were carried out under my direction and supervision:

4.1. Purpose of the Experiments

In Example 1 of the present specification, the kind of antioxidant incorporated in the polyamide layer was changed as follows. The percentage of reduction in haze values for each resulting polyamide multilayer film before and after the retort

treatment was investigated.

#### 4.2. Experimental Conditions

Polyamide multilayer films were obtained in the same manner as in Example 1 except that the antioxidant incorporated in the polyamide layer was changed to each of the following three kinds of antioxidants (1,000 ppm each). Each resulting film was subjected to a retort treatment\* at 121°C x 30 minutes, and the haze values before and after the retort treatment were measured.

\*The retort treatment was performed using an Autoclave LM36A manufactured by Hirayama Manufacturing Corp.

#### 4.3. Antioxidants

- ① Phenol-based antioxidant · · · Irganox 1010 (manufactured by BASF)  
Pentaerythrityl tetrakis[3-(3,5-di-*t*-butyl-4-hydroxyphenyl) propionate]
- ② Phosphorus-based antioxidant · · · Irgafos 168 (manufactured by BASF)  
Tris(2,4-di-*t*-butylphenyl) phosphite
- ③ Sulphur-based antioxidant · · · Sumilizer TPD (manufactured by Sumitomo Chemical Co., Ltd.)  
Pentaerythrityl tetrakis(3-laurylthiopropionate)



#### 4.4. Experimental Results

Measured item: Haze value (unit:%)

		Haze value								Transparency Retention %
		N=1	N=2	N=3	N=4	N=5	N=6	Difference in value	Average	
①	Before retorting	6.5	6.6	6.8	6.6	6.7	6.8	0.3	6.7	100
	After retorting	6.6	6.7	6.6	6.8	6.8	6.6	0.2	6.7	
②	Before retorting	6.9	7.0	6.9	6.8	6.8	7.0	0.2	6.9	88
	After retorting	7.6	7.9	7.9	7.7	7.8	7.9	0.3	7.8	
③	Before retorting	7.1	6.8	7.1	6.9	6.8	7.1	0.3	7.0	86
	After retorting	8.1	8.1	8.0	8.1	8.2	8.2	0.2	8.1	

As shown above, 100% of the transparency was maintained only when a phenol-based antioxidant was used.

The results of six measurements indicate that the measurement error is about 0.2 points.

5. I declare further that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like to made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date: September 29, 2011

By: Hiroiyuki Yoshizaki  
 Hiroiyuki Yoshizaki